

EXHIBIT 3

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: PART 54

-----X
ROSEMARIE A. HERMAN, individually, as beneficiary of
the trust created by Harold Herman as Grantor under
agreement dated March 1, 1990 and as beneficiary of the
trust created by Rosemarie A. Herman as Grantor dated
November 27, 1991 et al.,

Index No. 650205/2011

Plaintiffs,

Assigned Justice
Hon. Shirley W. Kornreich

-against-

**INFORMATION
SUBPOENA WITH
RESTRAINING NOTICE**

JULIAN MAURICE HERMAN; J. MAURICE HERMAN,
as Trustee of the J. Maurice Herman Revocable Trust dated
October 28, 2002; J. MAURICE HERMAN, as Trustee of
the trust created by Harold Herman as Grantor under
agreement dated March 1, 1990; MICHAEL OFFIT;
MICHAEL OFFIT, as Trustee of the trust created by Harold
Herman as Grantor under agreement dated March 1, 1990;
MICHAEL OFFIT, as Trustee of the trust created by
Rosemarie A. Herman as Grantor dated November 27,
1991; et al.,

Defendants.

-----X
JULIAN MAURICE HERMAN,

Third-Party Plaintiff,

Index No.: 590354/2013

-against-

JOSEPH ESMAIL and SOLITA N. HERMAN,

Third-Party Defendants.

-----X
TO: **VANGUARD**
PO Box 2600
Valley Forge, Pennsylvania 19842

JUDGMENT DEBTOR: Julian Maurice Herman
5 Sloan Curve Drive, Palm Beach, Florida 33480
SSN: [REDACTED] 3771

GREETINGS:

WHEREAS, in an action in the Supreme Court of the State of New York, County of

New York, between ROSEMARIE A. HERMAN, individually, as beneficiary of the trust created by Harold Herman as Grantor under agreement dated March 1, 1990 and as beneficiary of the trust created by Rosemarie A. Herman as Grantor dated November 27, 1991 and on behalf of MAYFAIR YORK LLC, WINDSOR PLAZA LLC, a New York Limited Liability Company, AVON BARD LLC, MERIT MANAGEMENT LLC, PRIMROSE MANAGEMENT LLC, KEYSTONE MANAGEMENT LLC by their 50% owner of their membership interests; ROSEMARIE A. HERMAN as Natural Guardian for GAVIN I. ESMail and JESSE A. ESMail, individually, as beneficiaries of the trust created by Harold Herman as Grantor under agreement dated March 1, 1990 and as beneficiaries of the trust created by Rosemarie A. Herman as Grantor dated November 27, 1991, as Plaintiffs, and JULIAN MAURICE HERMAN; J. MAURICE HERMAN, as Trustee of the J. Maurice Herman Revocable Trust dated October 28, 2002; J. MAURICE HERMAN, as Trustee of the trust created by Harold Herman as Grantor under agreement dated March 1, 1990; MICHAEL OFFIT; MICHAEL OFFIT, as Trustee of the trust created by Harold Herman as Grantor under agreement dated March 1, 1990; MICHAEL OFFIT, as Trustee of the trust created by Rosemarie A. Herman as Grantor dated November 27, 1991; MAYFAIR YORK LLC; WINDSOR PLAZA LLC, a New York Limited Liability Company; WINDSOR PLAZA LLC, a Delaware Limited Liability Company; AVON BARD LLC; MERIT MANAGEMENT LLC; PRIMROSE MANAGEMENT LLC; KEYSTONE MANAGEMENT LLC; CONSOLIDATED REALTY HOLDINGS LLC; SETON INDUSTRIAL CORP.; ARDENT NVESTMENTS LLC; TRUST FOR ARCHITECTURAL EASEMENTS; "ABC COMPANY # 1" through "ABC COMPANY #10", the last ten entities being fictitious and unknown to the Plaintiffs, the entities intended being the entities, if any, involved in the acts or omissions described in the Complaint;

and "JOHN DOE # 1" through "JOHN DOE #10", the last ten names being fictitious and unknown to the Plaintiffs, the persons intended being the Persons, if any, involved in the acts or omissions described in the Complaint, as Defendants, and JULIAN MAURICE HERMAN, as Third-Party Plaintiff, and JOSEPH ESMAIL and SOLITA N. HERMAN, as Third-Party Defendants, who are all the parties named in said action, a judgment was entered on September 26, 2017 (i) in favor of **ARIEL E. BELEN**, as temporary trustee of the trust created by Rosemarie Herman on November 27, 1991, Judgment Creditor, as and against **JULIAN MAURICE HERMAN**, Judgment Debtor, in the amount of \$78,663,555.61, and (ii) in favor of **ROSEMARIE A. HERMAN** and **ARIEL E. BELEN**, as trustees of the Trust created by Harold Herman on March 1, 1900, as and against **JULIAN MAURICE HERMAN**, as judgment creditor, on the amount of \$24,973,652.83, for a total sum of \$103,637,208.44, with statutory interest of 9% from entry of the judgment, to wit: September 26, 2017, of which \$103,637,208.44 remains due and unpaid;

NOW, THEREFORE WE COMMAND YOU, that you answer in writing under oath, separately and fully, each question in the questionnaire accompanying this subpoena, each answer referring to the question to which it responds; and that you return the answers together with the original questions within 7 days after your receipt of the questions and this subpoena.

TAKE NOTICE that false swearing or failure to comply with this subpoena is punishable as a contempt of court.

RESTRAINING NOTICE

WHEREAS, it appears that you owe a debt to the judgment debtor or are in possession or in custody of property in which the judgment debtor has an interest;

*** including but not limited to any and all accounts in your possession and/or control due to, owned by, or otherwise in which the debtor, JULIAN MAURICE HERMAN, has an ownership interest, or is signatory thereon.**

TAKE NOTICE that pursuant to CPLR 5222(b), which is set forth in full herein, you are hereby forbidden to make or suffer any sale, assignment or transfer of, or any interference with any property in which you have an interest, except as therein provided.

TAKE FURTHER NOTICE that this notice also covers all property in which the judgment debtor has an interest hereafter coming into your possession or custody, and all debts hereafter coming due from you to the judgment debtor.

CIVIL PRACTICE LAW AND RULES

Section 5222(b) Effect of restraint; prohibition of transfer; duration. A judgment debtor or obligor served with a restraining notice is forbidden to make or suffer any sale, assignment, transfer or interference with any property in which he or she has an interest, except as set forth in subdivisions (h) and (i) of this section, and except upon direction of the sheriff or pursuant to an order of the court, until the judgment or order is satisfied or vacated. A restraining notice served upon a person other than the judgment debtor or obligor is effective only if, at the time of service, he or she owes a debt to the judgment debtor or obligor or he or she is in the possession or custody of property in which he or she knows or has reason to believe the judgment debtor or obligor has an interest, or if the judgment creditor or support collection unit has stated in the notice that a specified debt is owed by the person served to the judgment debtor or obligor or that the judgment debtor or obligor has an interest in specified property in the possession or custody of the person served. All property in which the judgment debtor or obligor is known or believed to have an interest then in and thereafter coming into the possession or custody of such a person, including any specified in the notice, and all debts of such a person, including any specified in the notice, then due and thereafter coming due to the judgment debtor or obligor, shall be subject

to the notice except as set forth in subdivisions (h) and (i) of this section. Such a person is forbidden to make or suffer any sale, assignment or transfer of, or any interference with, any such property, or pay over or otherwise dispose of any such debt, to any person other than the sheriff or the support collection unit, except as set forth in subdivisions (h) and (i) of this section, and except upon direction of the sheriff or pursuant to an order of the court, until the expiration of one year after the notice is served upon him or her, or until the judgment or order is satisfied or vacated, whichever event first occurs. A judgment creditor or support collection unit which has specified personal property or debt in a restraining notice shall be liable to the owner of the property or the person to whom the debt is owed, if other than the judgment debtor or obligor, for any damages sustained by reason of the restraint. If a garnishee served with a restraining notice withholds the payment of money belonging or owed to the judgment debtor or obligor in an amount equal to twice the amount due on the judgment or order, the restraining notice is not effective as to other property or money.


TAKE FURTHER NOTICE that disobedience of this Restraining Notice is punishable as a contempt of court.

Dated: Garden City, New York
September 27, 2017


LAW OFFICES OF CRAIG AVEDISIAN, P.C.

JASPAN SCHLESINGER LLP

By:


CRAIG AVEDISIAN
One Grand Central Place
60 East 42nd Street, 40th Floor
New York, New York 10165
(212) 687-8360

By:


NATASHA SHISHOV
300 Garden City Plaza
Garden City, New York 11530
(516) 746-8000

Co-Counsel for Judgment Creditors

CERTIFICATION

I, Natasha Shishov, Esq., hereby certify that this information subpoena complies with Rule 5224 of the Civil Practice Law and Rules, and Section 601 of the General Business Law, and that I have a reasonable belief that the party receiving this subpoena has in its possession information about the Debtor(s) that will assist the Creditor(s) in collecting the judgment.



NATASHA SHISHOV



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EXEMPTION NOTICE

as required by New York Law

Your bank account is restrained or “frozen.”

The attached Restraining Notice or Notice of Levy by Execution has been issued against your bank account. You are receiving this notice because a creditor has obtained a money judgment against you, and one or more of your bank accounts has been restrained to pay the judgment. A money judgment is a court's decision that you owe money to a creditor. You should be aware that FUTURE DEPOSITS into your account(s) might also be restrained if you do not respond to this notice.

You may be able to “vacate” (remove) the judgment. If the judgment is vacated, your bank account will be released. Consult an attorney (including free legal services) or visit the Court Clerk for more information about how to do this.

Under state and federal law, certain types of funds cannot be taken from your bank account to pay a judgment. Such money is said to be “exempt.”

Does your bank account contain any of the following types of funds?

- | | |
|--|---|
| 1. Social security; | 9. Disability benefits; |
| 2. Social security disability (SSD); | 10. Income earned in the last 60 days (90% of which is exempt); |
| 3. Supplemental security income (SSI); | 11. Workers' compensation benefits; |
| 4. Public assistance (welfare); | 12. Child support; |
| 5. Income earned while receiving SSI or public assistance; | 13. Spousal support or maintenance (alimony); |
| 6. Veterans benefits; | 14. Railroad retirement; and/or |
| 7. Unemployment insurance; | 15. Black lung benefits. |
| 8. Payments from pensions and retirement accounts; | |

If YES, you can claim that your money is exempt and cannot be taken. To make the claim, you must

- (a) complete the **EXEMPTION CLAIM FORM** attached;
- (b) deliver or mail the form to the bank with the restrained or “frozen” account; and
- (c) deliver or mail the form to the creditor or its attorney at the address listed on the form.

You must send the forms within 20 DAYS of the postmarked date on the envelope holding this notice. You may be able to get your account released faster if you send to the creditor or its attorney written proof that your money is exempt. Proof can include an award letter from the government, an annual statement from your pension, pay stubs, copies of checks, bank records showing the last two months of account activity, or other papers showing that the money in your bank account is exempt. If you send the creditor's attorney proof that the money in your account is exempt, the attorney must release that money within seven days. You do not need an attorney to make an exemption claim using the form”

STATE OF NEW YORK, COUNTY OF

SS:

herein, is over 18 years of age and resides at

being duly sworn, says: that the deponent is not a party

That on _____ at No. _____
deponent served the within restraining notice, exemption notice and two exemption claim forms on

CORPORATION the banking institution therein named, by delivering a true copy thereof to
1. _____ personally, whom deponent knew to be the
of said institution: deponent knew the banking institution so served to be said banking institution.

SERVICE BY MAIL
2. ☐ at
Strike out (a) or (b)
(a) by registered mail, return receipt requested. Deponent delivered said wrapper to the Registry Clerk at the post office and paid the requisite fee. Return Receipt No. _____ is attached hereto.
(b) by certified mail, return receipt requested. Deponent deposited said wrapper with the requisite postage and return receipt card affixed, in—a post office—official depository under the care and custody of the United States Postal Service within the State of New York. Return Receipt No. _____ is attached hereto.

Deponent describes the individual served as follows:

☐ Male ☐ White Skin ☐ Black Hair ☐ White Hair ☐ 14-20 Yrs. ☐ Under 5' ☐ Under 100 Lbs.
☐ Female ☐ Black Skin ☐ Brown Hair ☐ Balding ☐ 21-35 Yrs. ☐ 5'0"-5'3" ☐ 100-130 Lbs.
☐ Yellow Skin ☐ Blonde Hair ☐ Mustache ☐ 36-50 Yrs. ☐ 5'4"-5'8" ☐ 131-160 Lbs.
☐ Brown Skin ☐ Gray Hair ☐ Beard ☐ 51-65 Yrs. ☐ 5'9"-6'0" ☐ 161-200 Lbs.
☐ Red Skin ☐ Red Hair ☐ Glasses ☐ Over 65 Yrs. ☐ Over 6' ☐ Over 200 Lbs.

Other identifying features:

Sworn to before me on

.....
Print name beneath signature......
LICENSE NO.

Index No. 650205/2011

Restraining Notice, Exemption Notice and Exemption Claim Forms

ROSEMARIE A. HERMAN, et al., Index No.: 650205/2011

Plaintiffs,

-against-

JULIAN MAURICE HERMAN, et al.

Defendants.

JULIAN MAURICE HERMAN,
Third-Party Plaintiff,

-against-

JOSEPH ESMAIL, et al.,
Third-Party Defendants.

LAW OFFICES OF
JASPAN SCHLESINGER LLP

Attorney(s) for Judgment Creditors

Office and Post Office Address

300 GARDEN CITY PLAZA

GARDEN CITY, NEW YORK 11530

Attn: Natasha Shishov Esq.

(516) 746-8000



T 422—Exemption claim form, CPLR 5222-a(h),
enforcement of judgments, 1-09

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

Index No. 650205/2011

ROSEMARIE HERMAN, et al.

Plaintiff,

-against-

JULIAN MAURICE HERMAN, et al.,

Defendant.

AND A THIRD-PARTY ACTION

EXEMPTION CLAIM FORM

Name and address of judgment creditor or attorney

To be completed by judgment creditor or attorney.

Address A JASPAN SCHLESINGER LLP
300 GARDEN CITY PLAZA
GARDEN CITY, NY 11530
ATTN: NATASHA SHISHOV, ESQ.

Name and address of financial institution

To be completed by judgment creditor or attorney.

Address B VANGUARD
PO Box 2600
Valley Forge, Pennsylvania 319842

Directions: To claim that some or all of the funds in your account are exempt, complete both copies of this form, and make one copy for yourself. Mail or deliver one form to **Address A** and one form to **Address B** within twenty days of the date on the envelope holding this notice.

****If you have any documents, such as an award letter, an annual statement from your pension, paystubs, copies of checks or bank records showing the last two months of account activity, include copies of the documents with this form. Your account may be released more quickly.**

I state that my account contains the following type(s) of funds (*check all that apply*):

- | | |
|---|---|
| <input type="checkbox"/> Social security | <input type="checkbox"/> Income earned in the last 60 days (90% of which is exempt) |
| <input type="checkbox"/> Social security disability (SSD) | <input type="checkbox"/> Child support |
| <input type="checkbox"/> Supplemental security income (SSI) | <input type="checkbox"/> Spousal support or maintenance (alimony) |
| <input type="checkbox"/> Public assistance | <input type="checkbox"/> Workers' compensation |
| <input type="checkbox"/> Wages while receiving SSI or public assistance | <input type="checkbox"/> Railroad retirement or black lung benefits |
| <input type="checkbox"/> Veterans benefits | <input type="checkbox"/> Other (describe exemption): |
| <input type="checkbox"/> Unemployment insurance | <input type="checkbox"/> Payments from pensions and retirement accounts |

I request that any correspondence to me regarding my claim be sent to the following address:

Fill in your complete address.

I certify under penalty of perjury that the statement above is true to the best of my knowledge and belief.

Date:

Signature of Judgment Debtor

STATE OF NEW YORK, COUNTY OF

SS:

herein, is over 18 years of age and resides at

being duly sworn, says: that the deponent is not a party

That on _____ at No. _____
deponent served the within restraining notice, exemption notice and two exemption claim forms on

CORPORATION the banking institution therein named, by delivering a true copy thereof to
1. ☐ personally, whom deponent knew to be the
of said institution: deponent knew the banking institution so served to be said banking institution.

SERVICE BY MAIL
2. ☐ by mailing a copy of same, accompanied by a copy in a securely sealed postpaid wrapper properly addressed to
at
(a) by registered mail, return receipt requested. Deponent delivered said wrapper to the Registry Clerk at the _____ is attached hereto.
post office and paid the requisite fee. Return Receipt No. _____
(b) by certified mail, return receipt requested. Deponent deposited said wrapper with the requisite postage
and return receipt card affixed, in—a post office—official depository under the care and custody of the United
States Postal Service within the State of New York. Return Receipt No. _____
is attached hereto.

Deponent describes the individual served as follows:

<input type="checkbox"/> Male	<input type="checkbox"/> White Skin	<input type="checkbox"/> Black Hair	<input type="checkbox"/> White Hair	<input type="checkbox"/> 14-20 Yrs.	<input type="checkbox"/> Under 5'	<input type="checkbox"/> Under 100 Lbs.
<input type="checkbox"/> Female	<input type="checkbox"/> Black Skin	<input type="checkbox"/> Brown Hair	<input type="checkbox"/> Balding	<input type="checkbox"/> 21-35 Yrs.	<input type="checkbox"/> 5'0"-5'3"	<input type="checkbox"/> 100-130 Lbs.
	<input type="checkbox"/> Yellow Skin	<input type="checkbox"/> Blonde Hair	<input type="checkbox"/> Mustache	<input type="checkbox"/> 36-50 Yrs.	<input type="checkbox"/> 5'4"-5'8"	<input type="checkbox"/> 131-160 Lbs.
	<input type="checkbox"/> Brown Skin	<input type="checkbox"/> Gray Hair	<input type="checkbox"/> Beard	<input type="checkbox"/> 51-65 Yrs.	<input type="checkbox"/> 5'9"-6'0"	<input type="checkbox"/> 161-200 Lbs.
	<input type="checkbox"/> Red Skin	<input type="checkbox"/> Red Hair	<input type="checkbox"/> Glasses	<input type="checkbox"/> Over 65 Yrs.	<input type="checkbox"/> Over 6'	<input type="checkbox"/> Over 200 Lbs.

Other identifying features:

Sworn to before me on

.....
Print name beneath signature......
LICENSE NO.

Index No. 650205/2011

Restraining Notice, Exemption Notice and Exemption Claim Forms

ROSEMARIE A. HERMAN, et al., Index No.: 650205/2011
Plaintiffs,

-against-

JULIAN MAURICE HERMAN, et al.
Defendants.

JULIAN MAURICE HERMAN,
Third-Party Plaintiff,

-against-

JOSEPH ESMAIL, et al.,
Third-Party Defendants.

LAW OFFICES OF

JASPAN SCHLESINGER LLP

*Attorney(s) for Judgment Creditors**Office and Post Office Address*

300 GARDEN CITY PLAZA

GARDEN CITY, NEW YORK 11530

Attn.: Natasha Shishov, Esq.

(516) 746-8000

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: PART 54

-----X
ROSEMARIE A. HERMAN, individually, as beneficiary of
the trust created by Harold Herman as Grantor under
agreement dated March 1, 1990 and as beneficiary of the
trust created by Rosemarie A. Herman as Grantor dated
November 27, 1991 et al.,

Index No. 650205/2011

Plaintiffs,

Assigned Justice
Hon. Shirley W. Kornreich

-against-

JULIAN MAURICE HERMAN; J. MAURICE HERMAN,
as Trustee of the J. Maurice Herman Revocable Trust dated
October 28, 2002; J. MAURICE HERMAN, as Trustee of
the trust created by Harold Herman as Grantor under
agreement dated March 1, 1990; MICHAEL OFFIT;
MICHAEL OFFIT, as Trustee of the trust created by Harold
Herman as Grantor under agreement dated March 1, 1990;
MICHAEL OFFIT, as Trustee of the trust created by
Rosemarie A. Herman as Grantor dated November 27,
1991; et al.,

Defendants.

**QUESTIONS AND
ANSWERS IN
CONNECTION WITH
INFORMATION
SUBPOENA**

-----X
JULIAN MAURICE HERMAN,

Third-Party Plaintiff,

Index No.: 590354/2013

-against-

JOSEPH ESMail and SOLITA N. HERMAN,

Third-Party Defendants.
-----X

Re: JULIAN MAURICE HERMAN, 5 Sloans Curve Drive, Palm Beach, Florida 33480,
Judgment Debtor

STATE OF NEW YORK) ss.:
)
COUNTY OF _____)

_____, being duly sworn, deposes and says: that deponent is the
_____ of _____, recipient of an
information subpoena herein and of the original and a copy of questions accompanying said subpoena.
The answers set forth below are made from information obtained from the records of the recipient:

Q. No. 1 Are any of the assets of the debtor, in your possession or care, subject to liens, attachments or other encumbrances? A. No. 1

Q. No. 2 What are the full details of the same in regard to each asset? A. No. 2

Q. No. 3 Do you have any other transactions with the debtor, directly or indirectly, as a result of which the debtor may now have, or any in the future, become entitled to? A. No. 3

Q. No. 4 What are the full details of each such transaction?

Q. No. 5 Has the debtor given you a statement of his financial condition? A. No. 5

Q. No. 6 What assets are disclosed therein (on in the alternative supply a copy)?

Q. No. 7 Do you and the debtor have a financial arrangement in which you remit payment for services performed by him? A. No. 7

What is the nature of such arrangement?

Q. No. 8 Have you provided defendant with any W2s, K-1s, or other such document which reported fees and/or income received by him for the last three (3) years? A. No. 8

What income is disclosed therein (on in the alternative supply a copy)?

Q. No. 9 Do you have a record of any account in which the judgment debtor may have an interest, whether under the name of the debtor, under a trade or corporate name, or in association with others, as of the date of the subpoena or within three (3) years prior thereto, including but not limited to any account for which the judgment debtor has or had signatory power? A. No. 9

Q. No. 10 As to such account, which is the exact title of the account, the date opened, amounts presently on deposit; if closed, the amount of deposit when closed and the dated closed? A. No. 10

TITLE	DATE OPENED	AMOUNT ON DEPOSIT	DATE CLOSED
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Q. No. 11 Do you have a record of any safe deposit box in which the judgment debtor may have an interest, whether under the name of the debtor, under a trade or corporate name, on in association with others, as of the date of the subpoena or within one (1) year prior thereto? A. No. 11

Q. No. 12 Do you hold collateral in which the debtor has or may have an interest? A. No. 12

Q. No. 13 What is the description and value of each item of collateral: A. No. 13

DESCRIPTION	VALUE
-------------	-------

Q. No. 14 What interest does the debtor appear to have in each item of collateral? A. No. 14